

## **REMARKS/ARGUMENTS**

Claims 18 to 35 are pending in this application with claim 18 being the only independent claim. Claims 1-17 were previously cancelled without prejudice or disclaimer. Independent claim 18 has been amended to explicitly recite “a longitudinal housing direction,” as is described in paragraphs [0027] and [0031] and Fig. 1 of the published application (*i.e.*, US 2008/0022490). Claims 20-21 and 26 have been amended in view of the above amendments to independent claim 18. In addition, claim 18 has been amended to remove minor informalities indicated in the Office Action without narrowing the scope of the claim or any elements contained therein. The specification has been amended to remove minor informalities indicated in the Office Action.

Reconsideration of the subject application in view of the above amendments and the following remarks is respectfully requested.

### **Overview of the Office Action**

The drawings have been objected to as being incomplete.

The disclosure has been objected to for containing informalities.

Claim 18 has been objected to for containing informalities.

Claims 18-35 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over US 4,658,468 to Tillmann in view of US 2003/0213092 to Fischbach.

### **Response to Drawing Objection**

The drawing objection is respectfully traversed because the Office Action lacks specificity as to why the drawing figures in the subject application are incomplete.

Applicants submit that the drawing figures as filed clearly depict the invention disconnected from a conventional door closer. For example, Fig. 1 shows that spring (15), as well as the associated bushing (12), is arranged to extend orthogonally to the longitudinal housing direction, as recited in claims 18 and 20.

Moreover, the drawings as filed illustrate sufficient conventional structure to which the invention is connected. For example, the door closer shown in Fig. 1 includes a shaft (2), which is to be connected to a conventional door structure.

In view of the above, the drawing objection is believed to have been overcome.

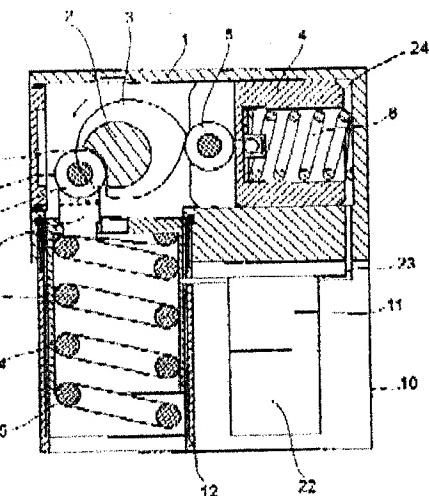
### **Summary of the Subject Matter Disclosed in the Specification**

The following descriptive details are based on the specification. They are provided only for the convenience of the Examiner as part of the discussion presented herein, and are not intended to argue limitations which are unclaimed.

The specification discloses a door closer (see, Fig. 1 reproduced below for the Examiner's convenient reference) having a substantially rectangular housing (1). A shaft (2) is rotatably supported in the housing (1) and connectable to a door. The shaft (2) supports an eccentric disc (3), which engages with a roller (5) supported at a brake piston (4). *See, para. [0027] of published application.* The brake piston (4) is longitudinally displaceably supported in the housing (1) and urged into the direction of the shaft (2) by a spring (6).

*See, para. [0028] of published application.*

A tube-shaped bushing (12) extends orthogonally to and is detachably disposed in the housing (1). A blocking member 13 is longitudinally displaceably supported in the bushing (12). The blocking member (13) has a cup-shaped insert (14), which is supported within the tube-shaped bushing (12) and is urged into the direction of the shaft (2) by a spring (15). *See, para. [0031] of published application.*



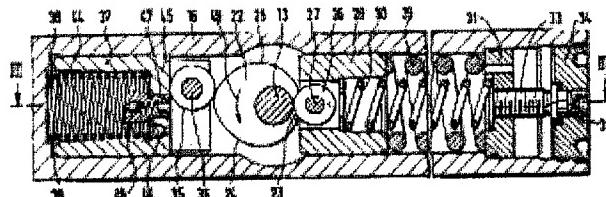
The door closer presents a more compact housing shape and is thus easier to accommodate, particularly in the floor, and is likewise suitable for single action doors.

### **Patentability of the Claimed Invention**

#### **Independent Claim 18**

Independent claim 18 recites “a first spring … extending orthogonally to the longitudinal housing direction.” The above claim features of independent claim 18 are depicted in Fig. 1 and disclosed in paragraphs [0027] and [0031] of the published application, where the brake piston (4) is described to be longitudinally and displaceably supported in the housing (1) and where the bushing (12) is described to extend orthogonally to the housing (1).

The above claim features of independent claim 18 are not taught by Tillmann because the door check in Tillmann has a longitudinal housing 16, in which the various components (including piston 37 and spring 29) are arranged along a longitudinal housing direction (*see*, Fig. 1 of Tillmann below):



Accordingly, Tillmann does not teach “a first spring … extending orthogonally to the longitudinal housing direction,” as recited in independent claim 18.

Fischbach was cited in the Office Action for its alleged teaching of a pump device. Similar to Tillmann, Fischbach teaches arranging various components along a longitudinal housing direction. Consequently, Fischbach does not cure the deficiencies of Tillmann.

In view of the above, independent claim 18 patentably distinguishes over Tillmann and Fischbach. Withdrawal of the claim rejection of independent claim 18 is hereby respectfully requested.

Dependent Claims 19-35

Claims 19-35 depend, directly or indirectly, from allowable independent claim 18 and thus are each allowable therewith.

In addition, claims 19-35 include features which serve to even more clearly distinguish the claimed invention over the prior art of record.

**Conclusion**

Based on all of the above, it is respectfully submitted that the present application is now in proper condition for allowance. Prompt and favorable action to this effect and early passing of this application to issue are respectfully solicited. Should the Examiner have any comments, questions, suggestions or objections, the Examiner is respectfully requested to telephone the undersigned in order to facilitate reaching a resolution of any outstanding issues.

No fees or charges are required at this time in connection with the present application. However, if any fees or charges are required at this time, they may be charged to our PTO Deposit Account No. 03-2412.

Respectfully submitted,  
COHEN PONTANI LIEBERMAN & PAVANE LLP

By /Alfred W. Froebrich/  
Alfred W. Froebrich  
Reg. No. 38,887  
551 Fifth Avenue, Suite 1210  
New York, New York 10176  
(212) 687-2770

Dated: January 14, 2009